

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**CARVORGGIO YLLANDAS BROWN,**

**Defendant.**

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**CASE NO. 8:03CR151**

**ORDER**

This matter is before the Court on the following motions: the Defendant's pro se motion to reduce his sentence as a result of crack cocaine Amendment 706 to the sentencing guidelines (Filing No. 64); and defense counsel's motion to withdraw (Filing No. 67).

The Defendant pleaded guilty to Counts I of the Indictment charging Brown with conspiring to distribute and possess with intent to distribute 50 grams or more of a mixture or substance containing crack cocaine, resulting in a statutory minimum sentence of 10 years. The Defendant was sentenced to 120 months imprisonment. Even with the change in offense level as a result of Amendment 706, the Defendant was sentenced to the mandatory minimum sentence and, therefore, he is not entitled to a reduction under Amendment 706. *United States v. McGuire*, 524 F.3d 891, 892 (8<sup>th</sup> Cir. 2008).

IT IS ORDERED:

1. The Defendant's motion to reduce his sentence as a result of crack cocaine Amendment 706 to the sentencing guidelines (Filing No. 64) is denied; and
2. Defense counsel's motion to withdraw filed on behalf of the Office of the Federal Public Defender (Filing No. 67) is granted.

DATED this 9<sup>th</sup> day of March, 2009.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge